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Attorney Docket No. 23567.00

Customer No. 37833

Confirmation No. 9715

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE PATENT APPLICATION OF:

APPLICANT: STANLEY A. VOLUCKAS

APPL. NO. : 10/765,114

ART UNIT : 3611

FILED

: JANUARY 28, 2004

EXAMINER: ROYAL, P.

FOR

: DISPLAY SYSTEM FOR SUSPENDING VISUALS....

MAIL STOP AMENDMENT COMMISSIONER FOR PATENTS P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

RESPONSE TO ELECTION REQUIREMENT

Sir:

In the Office action dated July 5, 2005, the Examiner required an election of species under 35 U.S.C. § 121 prior to an examination on the merits of application. The separate species of the claimed invention as identified by the Examiner are as follows:

Species 1: Figures 2 and 3;

Species 2: Figures 4 and 5;

Species 3: Figure 6;

Species 4: Figures 7, 8A and 8B.

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In compliance with the Examiner's requirement, Applicant provisionally elects with traverse for

further prosecution the embodiment shown in Figures 6 (designated as Species 3). Claims 1, 2, 4, 8, 9

12 and 13 are considered to be readable on the elected species.

Notwithstanding the propriety of the election requirement for examination purposes, Applicant

contends that he should be entitled to a consideration of related embodiments falling within the scope of

a generic inventive concept. Moreover, it would appear that a search and examination of the entire

application could be accomplished without a serious burden on the Examiner since the multiple

embodiments identified of record would seemingly encompass a common field of search.

Accordingly, it is respectfully requested that the Examiner withdraw the election requirement, and

issue an action on the merits of all the embodiments presently in the case. Alternatively, should the

Examiner maintain the requirement and make it final, Applicant awaits a complete action on the merits of

the elected subject matter.

Respectfully submitted,

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